

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

A. ARTHUR FISHER,
Plaintiff,

v.

PARTICLE MEDIA, INC.,
Defendant.

Case No. 21-cv-08263-VC

**ORDER GRANTING MOTION TO
SET ASIDE DEFAULT,
TERMINATING MOTION FOR
DEFAULT JUDGMENT AS MOOT,
AND DENYING REQUEST FOR
ATTORNEYS' FEES AND COSTS**

Re: Dkt. No. 20, 21, 33

Fisher has withdrawn the motion for default judgment and instead asks for attorneys' fees and costs as a condition of setting aside entry of default. Therefore, the motion for default judgment is terminated as moot. The motion to set aside the entry of default against Particle Media is granted.

Fisher's request for attorneys' fees and costs is denied. Both parties and the Court (due to confusion created by the failure to reassign the case from a magistrate judge to a district judge in a timely fashion) share responsibility for Particle Media's default. And it appears that Fisher could have avoided a good portion of the expenses it incurred. Given all these circumstances, the Court declines to award fees and costs to Fisher.

IT IS SO ORDERED.

Dated: February 28, 2022



VINCE CHHABRIA
United States District Judge